MR. K. GEORGE (*Chief Secretary to Government*): There was only one such vacancy. As regards the delay in filling it up, the member is referred to the answer to interpellation No. 356 by Mr. D. C. Joseph.

Delay in filling up vacancies of Judicial Officers.

358. **MR. A. THANU PILLAI** (*Trivandrum*): Are the Government aware that the delay in filling up vacancies of Judicial Officers is adding very considerably to laws' delays?

MR. K. GEORGE (*Chief Secretary to Government*): There are no vacancies of Judicial Officers which remain unfilled.

MR. A. THANU PILLAI (*Trivandrum*): Are the Government aware that their habitual delay in filling up vacancies is adding very considerably to laws' delays?

MR. K. GEORGE (*Chief Secretary to Government*): Government do not admit that there is habitual delay.

Appointment of Judges in the High Court.

359. **MR. A. THANU PILLAI** (*Trivandrum*): With reference to the recent appointment of three Judges in the High Court, will the Government be pleased to state:

(*a*) the dates on which each of the vacancies that led to the appointments arose;

(*b*) when, in the case of each, was it definitely known that it would arise;

(*c*) the time taken to make the appointment in each case;

(*d*) the reason for the delay in making the appointments to the two earlier vacancies out of the three; and

(*e*) within how many minutes after the present Dewan took upon himself the execution of duties at the Huzur Office he signed the order appointing the three Judges and within how many minutes thereafter each of them took his seat on the High Court Bench?

MR. K. GEORGE (*Chief Secretary to Government*):

	Nature of vacancy.	*Date of vacancy.*
(*a*)	(i) Vacancy of Mr. Justice P. N. Bhootalingam Aiyar granted leave preparatory to retirement.	3-5-1104
	(ii) Vacancy of Mr. Justice A. Venkatarama Aiyar promoted as Ag. Chief Justice, High Court.	22-10-1104
	(iii) Vacancy of Mr. Justice V.S. Subrahmanya Aiyar appointed Dewan.	10-11-1104

(*b*) (i) 1-5-1104.
(ii) 17-9-1104.
(iii) 10-11-1104.

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[Mr. K. George.]

(*c*) (i) 6 months and 7 days.

(ii) 20 days.

(iii) The same day

(*d*) The matter was under consideration.

(*e*) (i) The Government have no records to show the exact time at which orders are signed by the Dewan.

(ii) The Government have no information as to the exact time at which each of the Judges took his seat. The charge reports received from the three Judges show that they took charge on the afternoon of the 10th Mithunam 1104.

MR. A. THANU PILLAI (*Trivandrum*): With reference to the answer (*b*) (ii), was it a vacancy consequent on the Chief Justice taking leave?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): When was it known that the Chief Justice was going to Europe?

MR. K. GEORGE (*Chief Secretary to Government*): Before the vacation began.

MR. A. THANU PILLAI (*Trivandrum*): When did the vacation begin?

MR. K. GEORGE (*Chief Secretary to Government*): I do not quite know. I think it was sometime in Minam.

MR. A. THANU PILLAI (*Trivandrum*): Did not the Government know at that time that vacancy would arise?

MR. K. GEORGE (*Chief Secretary to Government*): Government knew definitely that that would arise only, of course, after the vacation.

MR. A. THANU PILLAI (*Trivandrum*): Did not the Government know of that vacancy arising at the commencement of the vacation? That is my question.

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): And that was in Minam and not in Medam as given in (*b*) (ii).

MR. K. GEORGE (*Chief Secretary to Government*): Yes, that is, when the vacancy definitely arose.

MR. A. THANU PILLAI (*Trivandrum*): My question is when it was definitely known that the vacancy would arise?

MR. K. GEORGE (*Chief Secretary to Government*): It was definitely known only when the vacancy definitely arose.

MR. A. THANU PILLAI (*Trivandrum*): My question relates to the definiteness in regard to the knowledge of the Government as to when the vacancy would arise.

Was there not a vacancy consequent on the elevation of Mr. V. S. Subrahmanya Aiyar as Dewan? Was it not known till 10-11-1104 that that vacancy would arise?

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MR. K. GEORGE (*Chief Secretary to Government*) : I cannot say.

MR. A. THANU PILLAI (*Trivandrum*) : With regard to the answer (*d*), may I know who was considering the matter ?

MR. K. GEORGE (*Chief Secretary to Government*) : The Government.

MR. A. THANU PILLAI (*Trivandrum*) : May I know the person who was considering the matter ?

MR. K. GEORGE (*Chief Secretary to Government*) : The member knows who the Government is.

MR. A. THANU PILLAI (*Trivandrum*) : Government is a loose, rather indefinite, term. So, may I take that the member can only say that the matter was under the consideration of 'Government' and nothing more ?

MR. K. GEORGE (*Chief Secretary to Government*) : That is all.

MR. A. THANU PILLAI (*Trivandrum*) : May I know the nature of that consideration ?

MR. K. GEORGE (*Chief Secretary to Government*) : That is already answered. That was answered on two occasions.

MR. A. THANU PILLAI (*Trivandrum*) ; To me it appears that no answer was given.

MR. K. GEORGE (*Chief Secretary to Government*) ; Was given.

MR. A. THANU PILLAI (*Trivandrum*) ; Except that it was under consideration, absolutely nothing else was given. I should like to know what were the things that were considered ?

MR. K. GEORGE (*Chief Secretary to Government*) : The question of nomination must have been under consideration.

MR. A. THANU PILLAI (*Trivandrum*) : May I know who were the persons whose claims were under consideration ?

MR. K. GEORGE (*Chief Secretary to Government*) : I do not know.

MR. A. THANU PILLAI (*Trivandrum*) : Is there any record to show that the matter was receiving consideration ?

MR. K. GEORGE (*Chief Secretary to Government*) : Yes.

MR. A. THANU PILLAI (*Trivandrum*) : Is it in the Huzur Office ?

MR. K. GEORGE (*Chief Secretary to Government*) : The file on the subject is in the Huzur Office.

MR. A. THANU PILLAI (*Trivandrum*) : Does that file show anything as to the kind of consideration the matter was receiving all these six months ?

MR. K. GEORGE (*Chief Secretary to Government*) : The file was submitted to Government, and it was received with orders. That is so far as the Huzur Office knows.

The Office knows that the file was submitted to the Government and it was received with orders.

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MR. A. THANU PILLAI (*Trivandrum*) : Does it not show the persons whose claims were considered ?

MR. K. GEORGE (*Chief Secretary to Government*) : I cannot disclose all the contents of an office file.

MR. A. THANU PILLAI (*Trivandrum*) : May I know the names of candidates who were considered in that connection ?

MR. K. GEORGE (*Chief Secretary to Government*) : I regret to say that I cannot disclose them.

MR. A. THANU PILLAI (*Trivandrum*) : Is it that the member is not aware or he will not give the names ?

MR. K. GEORGE (*Chief Secretary to Government*) : I do not know all the names, nor do I think it proper for me to disclose the names.

MR. A. THANU PILLAI (*Trivandrum*) : May I know the reason why the names could not be revealed ?

MR. K. GEORGE (*Chief Secretary to Government*) : That is the Government's opinion on that point. Even if I knew it I would not have thought it proper to give the names.

MR. A. THANU PILLAI (*Trivandrum*) : May I know on what grounds are the Government of opinion that the names should not be disclosed ?

MR. K. GEORGE (*Chief Secretary to Government*) : It is a matter concerning the Government's nomination of individuals. It does not seem to be desirable to disclose the names.

MR. A. THANU PILLAI (*Trivandrum*) : With reference to the answer (*e*) (i), may I know whether the Dewan signed the orders at the same time as he assumed office ?

MR. K. GEORGE (*Chief Secretary to Government*) : After he assumed office only, he signed them.

MR. A. THANU PILLAI (*Trivandrum*) I wish to know : how many minutes after he assumed office, approximately ?

MR. K. GEORGE (*Chief Secretary to Government*) : I cannot say. I have no information about the exact minute when he signed the order.

MR. A. THANU PILLAI (*Trivandrum*) : Did he sign it at the same time as he assumed office ?

MR. K. GEORGE (*Chief Secretary to Government*) : I said after.

MR. A. THANU PILLAI (*Trivandrum*) : Did the Dewan do any work between his assuming office and signing these orders ?

PRESIDENT : The member is going too far into cross-examination. It cannot be allowed.

MR. A. THANU PILLAI (*Trivandrum*) : I wish to know whether the Dewan signed the orders at the same table before leaving office, and within a few minutes of his assuming office ?

MR. K. GEORGE (*Chief Secretary to Government*) : I am not conversant with all these details.

MR. A. THANU PILLAI (*Trivandrum*) : Are these answers passed by the Dewan ?

MR. K. GEORGE (*Chief Secretary to Government*) : Yes.

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MR. A. THANU PILLAI (*Trivandrum*): Was the member present in the Huzur Office when this took place?

MR. K. GEORGE (*Chief Secretary to Government*): That is a personal question. I do not think it necessary to answer a personal question.

MR. A. THANU PILLAI (*Trivandrum*): I am asking the member as the representative of the Government, as the Chief Secretary.

MR. K. GEORGE (*Chief Secretary to Government*): Yes. But I do not think it necessary to answer a personal question.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether these three Judges were given previous information that they should be ready to take charge on that day?

MR. K. GEORGE (*Chief Secretary to Government*): I have no information.

MR. A. THANU PILLAI (*Trivandrum*): Are the Government aware that the Judges took charge on that day?

MR. K. GEORGE (*Chief Secretary to Government*): They took charge in the afternoon, i. e., towards the evening.

MR. A. THANU PILLAI (*Trivandrum*): May I know the time?

MR. K. GEORGE (*Chief Secretary to Government*): I have no information.

MR. A. THANU PILLAI (*Trivandrum*): Then on what information does the member say that they took charge towards the evening?

MR. K. GEORGE (*Chief Secretary to Government*): From the Charge Reports I understood that they took charge in the afternoon. But I heard that they took charge in the evening.

MR. A. THANU PILLAI (*Trivandrum*): May I know from what source of information the member knew that they took charge towards the evening?

MR. K. GEORGE (*Chief Secretary to Government*): From various sources.

MR. A. THANU PILLAI (*Trivandrum*): Now, is the member speaking for himself or for the Government when he says that he got the information from various sources?

MR. K. GEORGE (*Chief Secretary to Government*): I am speaking for myself.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*). I rise to a point of order, whether the hearsay information of a member could be given as an answer to an interpellation asked in the Legislative Council?

MR. A. THANU PILLAI (*Trivandrum*): Did the Judges get their pay for the day on which they took charge?

MR. K. GEORGE (*Chief Secretary to Government*): That is for the Financial Secretary to say. I think since they took charge in the afternoon, they will get their pay only from the next day.

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